

FILED
ASHEVILLE, N.C.

UNITED STATES DISTRICT COURT

DEC 28 2020

for the
District ofU.S. DISTRICT COURT
W. DIST. OF N.C.

Division

L D. Gibson
or

Louis D. Gibson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Giles Chemical Corp.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

SEE ALSO SUPPORTING MEMORANDUM TO BE FORWARDED LATER
REQUESTING APPOINTMENT OF COUNSEL

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Louis D. Gibson

Street Address

189 Craven Rd.

City and County

Waynesville, NC / Haywood County

State and Zip Code

North Carolina 28786

Telephone Number

(828) 452-4347 (Home) 980-271-9220 (Cell)

E-mail Address

biggipp1967@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Giles Chemical Corp.
Job or Title (if known) Manufacturer / Repacking Division
Street Address 102 Commerce St.
City and County Waynesville, NC / Haywood
State and Zip Code North Carolina 28786
Telephone Number 828-452-4784
E-mail Address (if known) N/A

Defendant No. 2

Name Austin Burnette, A.K.A. Bambi
Job or Title (if known) Shift Coordinator / Shift Supervisor
Street Address Giles Chemical, 102 Commerce St.
City and County Waynesville / Haywood
State and Zip Code North Carolina 28786
Telephone Number 828-452-4784
E-mail Address (if known) N/A

Defendant No. 3

Name Alan Ledford
Job or Title (if known) Shift Supervisor / Giles Chem. Corp.
Street Address 102 Commerce St.
City and County Waynesville, NC / Haywood
State and Zip Code North Carolina 28786
Telephone Number 828-452-4784
E-mail Address (if known) N/A

Defendant No. 4

Name Monte Plott
Job or Title (if known) Repack Manager / Giles Chem. Corp.
Street Address 102 Commerce St.
City and County Waynesville / Haywood
State and Zip Code North Carolina 28786
Telephone Number 828-452-4784
E-mail Address (if known) N/A

Giles CHEMICAL CORPORATION IS THE SOLE DEFENDANT
DEFENDANTS 2-4 Are Listed As Joint Representatives
of Giles. There are only one Document 1 Filed 12/28/20; Page 2 of 5
Case 1:20-cv-00394-MCM Document 1 Filed 12/28/20 Page 2 of 5
the Defendant. Petition asks that Clerk serve copy

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

*Title VII of the Civil Rights Act of 1964,
42 U.S.C. § 2000e, All Federal Laws that
5 U.S.C. § 2302 governs Racial Discrimination and Sexual Harassment.*

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* N/A, is a citizen of the
State of *(name)* N/A.

b. If the plaintiff is a corporation

The plaintiff, *(name)* N/A, is incorporated
under the laws of the State of *(name)* N/A,
and has its principal place of business in the State of *(name)* N/A.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* N/A, is a citizen of
the State of *(name)* N/A. Or is a citizen of
(foreign nation) N/A.

b. If the defendant is a corporation

The defendant, (name) N/A, is incorporated under
 the laws of the State of (name) N/A, and has its
 principal place of business in the State of (name) N/A.
 Or is incorporated under the laws of (foreign nation) N/A,
 and has its principal place of business in (name) N/A.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

N/A

SEE ALSO SUPPORTING MEMORANDUM TO BE FORWARDED LATER

III. Statement of Claim **HOSTILE WORK ENVIRONMENT**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Have witnesses and sworn affidavit that Plaintiff (I/me) was subjected to racial discrimination and Sexual Harassment. I, along with others heard Shift coordinator refer to me as a dumb/stupid nigger, forced me to work harder jobs than whites and allowed me to be sexually harassed, forced me to do the job for drug addicts along with my job. Allowed lies about me to affect my job.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$500,000 in applicable damages for Plaintiff having to leave his employment due to management's failure to remedy the persistent harassment by Shift Coordinator / Supervisor referring to me and other African Americans as "nigger/niggers" \$500,000 for stress and mental anguish for the racial discrimination and sexual harassment.

V. **Certification and Closing**

Plaintiff Requests Appointment of Counsel / Attorney

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. **For Parties Without an Attorney ***

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12-20-20

Signature of Plaintiff

L. Dean Gibson

Printed Name of Plaintiff

L. Dean Gibson

*** Requesting Attorney**
B. **For Attorneys**

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address